

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 18-cr-300(1)-SRN-KMM

Plaintiff,

v.

ORDER

Tevin Jay Maurstad,

Defendant.

This matter is before the Court on Defendant Tevin Jay Maurstad's Motion for Continuance. (ECF No. 65.) The government opposes the motion. (ECF No. 66.) For the reasons below, Mr. Maurstad's Motion for Continuance is DENIED.

This case has travelled circuitously to this point. Originally, a pretrial motions hearing was scheduled for February 12, 2019. (ECF No. 16.) The hearing was later continued to February 21, 2019 after Mr. Maurstad was arraigned as co-defendant in this matter. (ECF No. 22.) Mr. Maurstad then expressed an intention to plead guilty, and the February 21, 2019 hearing was cancelled. (ECF No. 49.) However, Mr. Maurstad had a change of heart at his plea hearing and the motion hearing was rescheduled for March 20, 2019. (ECF No. 54.) Less than a week later, Mr. Maurstad hired new counsel, and Bruce Rivers entered a notice of appearance on March 5, 2019. (ECF No. 55.) Mr. Maurstad then moved to continue the March 20, 2019 hearing due to the change of attorney. (ECF No. 59.) The government made no objection, and this Court granted that motion, scheduling Mr. Maurstad's new motions hearing for May 7, 2019. (ECF No. 63.).

Mr. Maurstad now seeks to have the hearing continued once again. His attorney Mr. Rivers states that he has not been able to meet with Mr. Maurstad due to his own extensive trial schedule. The government opposes the motion, highlighting the fact that it has now had to schedule and reschedule law enforcement witnesses for Mr. Maurstad's hearings multiple times, and that it has not opposed any previous continuances, despite serious inconvenience.

“Continuances generally are not favored and should be granted only when the party requesting one has shown a compelling reason.” *United States v. Keiser*, 578 F.3d 897, 901 (8th Cir. 2009) (quoting *United States v. Cotroneo*, 89 F.3d 510, 514 (8th Cir. 1996)). Factors to consider when determining whether a continuance is appropriate include whether counsel has had sufficient time to prepare for the task at hand, and whether refusal to grant a continuance would prejudice a defendant. *See id.* (citing *United States v. Vesey*, 330 F.3d 1070, 1072 (8th Cir. 2003)). Although the Court is sympathetic to the demands of Mr. Rivers’s schedule, an additional postponement of the hearing is not justified at this time. Mr. Rivers has had two months to prepare for the upcoming hearing and the government is once again ready to proceed on Tuesday. Further, Mr. Maurstad has not argued that he will suffer prejudice if this continuance is not granted.

Accordingly, IT IS HEREBY ORDERED that: Mr. Marustad’s Motion for Continuance (ECF No. 65) is DENIED.

Date: May 2, 2019

s/ Katherine Menendez

Katherine Menendez

United States Magistrate Judge